

**SB 5453** - H COMM AMD

By Committee on Judiciary

ADOPTED 4/14/2009

1 On page 2, after line 1, insert the following:

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3 "Sec. 2. RCW 26.09.520 and 2000 c 21 s 14 are each amended to  
4 read as follows:

5 (1) The person proposing to relocate with the child shall provide  
6 his or her reasons for the intended relocation. Except as provided in  
7 subsection (2) of this section, there is a rebuttable presumption that  
8 the intended relocation of the child will be permitted. A person  
9 entitled to object to the intended relocation of the child may rebut  
10 the presumption by demonstrating that the detrimental effect of the  
11 relocation outweighs the benefit of the change to the child and the  
12 relocating person, based upon the following factors. The factors  
13 listed in this section are not weighted. No inference is to be drawn  
14 from the order in which the following factors are listed:

15 ~~((1))~~ (a) The relative strength, nature, quality, extent of  
16 involvement, and stability of the child's relationship with each  
17 parent, siblings, and other significant persons in the child's life;

18 ~~((2))~~ (b) Prior agreements of the parties;

19 ~~((3))~~ (c) Whether disrupting the contact between the child and  
20 the person with whom the child resides a majority of the time would be  
21 more detrimental to the child than disrupting contact between the  
22 child and the person objecting to the relocation;

23 ~~((4))~~ (d) Whether either parent or a person entitled to  
24 residential time with the child is subject to limitations under RCW  
25 26.09.191;

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1       ~~((+5))~~ (e) The reasons of each person for seeking or opposing the  
2 relocation and the good faith of each of the parties in requesting or  
3 opposing the relocation;

4       ~~((+6))~~ (f) The age, developmental stage, and needs of the child,  
5 and the likely impact the relocation or its prevention will have on  
6 the child's physical, educational, and emotional development, taking  
7 into consideration any special needs of the child;

8       ~~((+7))~~ (g) The quality of life, resources, and opportunities  
9 available to the child and to the relocating party in the current and  
10 proposed geographic locations;

11       ~~((+8))~~ (h) The availability of alternative arrangements to foster  
12 and continue the child's relationship with and access to the other  
13 parent;

14       ~~((+9))~~ (i) The alternatives to relocation and whether it is  
15 feasible and desirable for the other party to relocate also;

16       ~~((+10))~~ (j) The financial impact and logistics of the relocation  
17 or its prevention; and

18       ~~((+11))~~ (k) For a temporary order, the amount of time before a  
19 final decision can be made at trial.

20       (2) The rebuttable presumption under subsection (1) of this  
21 section does not apply when the child, under a court order, has  
22 substantially equal residential time with the person proposing to  
23 relocate the child and another person entitled to residential time  
24 with the child."

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26       Correct the title.

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**EFFECT:** The rebuttable presumption that the intended relocation of the child will be permitted does not apply when the child has substantially equal residential time with the person proposing to relocate and another person with court-ordered residential time with the child.

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